

**National Transportation Safety Board**

Washington, D.C. 20594

Office of the Chairman

MAY - 6 2002

DEPT OF TRANSPORTATION
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Docket Management System
U.S. Department of Transportation
Room Plaza 401
400 Seventh Street, SW
Washington, D.C. 20590-0001

Attention: Docket No. FAA-2001-11133

2074

Dear Sir:

The National Transportation Safety Board has reviewed the Federal Aviation Administration's (FAA) Notice of Proposed Rulemaking (NPRM), "Certification of Aircraft and Airmen for the Operation of Light-Sport Aircraft," which was published in 67 *Federal Register* 24 on February 5, 2002. The notice proposes requirements for the "certification, operation, maintenance, and manufacture of light-sport aircraft." It also proposes changes to various existing regulations, which, in some cases, affect the operation of aircraft outside the light-sport category. According to the notice, the purpose of the proposal is to provide for the manufacture of safe and economical aircraft and to allow operation of these aircraft by the public in a safe manner.

The FAA's proposal will provide formal acknowledgement and certification of light-sport aircraft, which should lead to safety improvements in recreational aviation. Comments regarding particular sections of the proposed rule are presented below.

Industry Consensus Standards and Repairman Certification

The NPRM discusses the need for industry to develop and reach a consensus on airworthiness standards that would govern light-sport aircraft. It states that suitable standards should also establish industry review procedures, which are to include a periodic review every 2 years. However, the NPRM lacks sufficient information for the Safety Board to determine whether and to what extent the FAA will be involved in the review of these standards after they have been accepted. The Board is concerned that unless the FAA periodically reviews and approves the industry consensus standards, its oversight and control of these requirements as they evolve will become uncertain. The Board also suggests that the FAA reevaluate the planned review schedule to ensure that reviews occur frequently in the initial stages of the proposed rule's implementation.

Regarding the proposal for repairman certification, the Safety Board notes that although the NPRM generally refers to "minimum training and testing requirements," an explicit test requirement is not specified. Because repairmen with a maintenance rating will be engaged in

commercial service without further supervision, the Board believes that it is desirable to ensure initial qualification. Applicants for a repairman certificate should be required to pass a written examination before being awarded a maintenance rating. In addition, testing for the maintenance certificate should go beyond qualification for the aircraft type and include the general knowledge section of the mechanic certificate written test.

Airspace Privileges for Sport Pilot Certificate Holders

The notice proposes that sport pilots would be permitted to operate in Class B, C, or D airspace if they receive ground and flight training and a logbook endorsement. The Safety Board is concerned that the training requirements for sport pilots may not be sufficient to permit them to operate in the same airspace as pilots of transport-category aircraft. The Board is aware that the FAA is currently developing traffic patterns and procedures to separate light-sport aircraft from other aircraft operating in the same airspace and looks forward to reviewing the FAA's plan to address this issue.

Proposed Revision to Section 61.31

The notice proposes revising 14 *Code of Federal Regulations* Section 61.31 to eliminate an existing loophole that allows pilots of experimental aircraft to carry passengers without having the appropriate category and class ratings. The Safety Board is aware of several experimental aircraft accidents in which passengers sustained injuries that ranged from minor to fatal and that involved pilots who did not possess appropriate category or class ratings. Therefore, the Board supports revising Section 61.31. We note, however, that as it is currently worded, the proposed revision excludes pilots who would be certificated to operate only sport aircraft (according to the NPRM overview, sport pilot certificates would not have category and class ratings). Therefore, the Board suggests that Section 61.31 also be revised to indicate that appropriate category and class *privileges* would be required for sport pilots.

The Safety Board appreciates the opportunity to comment on this proposed rulemaking and commends the FAA on a well thought-out and managed NPRM project.

Sincerely,



Marion C. Blakey
Chairman

National Transportation Safety Board
Washington, D.C. 20594

TRANSMITTAL SHEET

Date: MAY - 6 2002 /

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Subject: Docket No. FAA-2001-11133-8

Contact: Telephone Dennis Jones at 202-314-6321 if you have questions about this NPRM response.

We are transmitting 3 pages, including this cover page.
If you do not receive all pages, please telephone (202) 314-6065.